

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELAINE L. CHAO, Secretary of Labor, United States
Department of Labor,

Plaintiff,

5:07-CV-0449
(NAM/GHL)

vs.

PARTY RENTAL ENTERPRISES, INC., a Corporation,
d/b/a ABLE LINEN SERVICE and DARYLE LOGUIDICE,
Individually and as Chief Executive Officer,

Defendants.

APPEARANCES

OF COUNSEL:

United States Department of Labor
Office of the Solicitor
201 Varick Street, Room 983
New York, New York 10014
Counsel for Plaintiff

Harold W. LeMar, Esq.
Patricia M. Rodenhause, Esq.

Costello Cooney Fearon, P.L.L.C.
Salina Place
205 South Salina Street
Syracuse, New York 13202-1327
Counsel for Defendants

Christopher G. Todd, Esq.
Robert J. Smith, Esq.

Norman A. Mordue, Chief U.S. District Judge:

JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

Pursuant to the Settlement Conference held today, the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED that:

1. The above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion of any party within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated;

2. The dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless any party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and

3. The Plaintiff's [26] Motion for Damages is deemed moot; and

4. Clerk shall forthwith serve this Judgment upon the attorneys for the parties appearing in this action by electronic mail.

IT IS SO ORDERED.

DATED: December 22, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge